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20 MAR 2002

December 20, 2001

International Division

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ application of LDS Technologies, Inc.
Based on International Application No. PCT/US99/14351
U.S. Application No. Not Yet Assigned
Filed Herewith on December 20, 2001

AQUEOUS COMPOSITIONS CONTAINING
CORITICOSTEROIDS FOR NASAL AND PULMONARY DELIVERY

(Atty. Docket No. P24,800-A USA)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this document, along with any papers indicated as being enclosed, are being deposited with the United States Postal Service in an envelope marked "Express Mail Post Office to Addressee," Mailing Label No. EL729185818US addressed to: Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, Attn: DO/EO/US on December 20, 2001.

December 20, 2001
Date

Sara Harvell
Sara Harvell

Assistant Commissioner for Patents
Box PCT
Washington, DC 20231
ATTN: DO/EO/US

PETITION TO REVIVE AN UNINTENTIONALLY
ABANDONED APPLICATION PURSUANT TO 37 CFR § 1.137(b)

01/07/2002 HNGUYEN 00000009 10019100

Sir:
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It is hereby petitioned to revive the U.S. patent application that has been abandoned by virtue of the unintentional failing to file timely an express Request

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that the U.S. national stage of processing be commenced pursuant to 35 U.S.C. § 371, including particularly § 371(f), for the above-identified international application (hereafter "the PCT application"), filed June 24, 1999. The deadline for filing the aforementioned Request to commence the U.S. national stage of processing expired on December 26, 2000. This deadline was allowed unintentionally to pass without filing the Request.

This Petition is accompanied by:

- (A) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. § 371 and copies of the documents referred to therein; and
- (B) a check in payment of the surcharge of \$1,280.00 as required by 37 CFR § 1.17(m).

The Commissioner is authorized hereby to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425. A duplicate of this Petition is enclosed.

The entire delay which is associated with the filing of the documents of (A) above and which involves a term that extends from the due date for filing the documents until the filing of the present Petition was unintentional.

For background purposes, it is noted that LDS Technologies, Inc. (hereafter "LDS"), the corporate applicant named on the aforementioned PCT application, transferred its interests in the PCT application after the filing thereof and other

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patents cases to Athena Neurosciences, Inc., a wholly owned subsidiary of Elan Corporation, plc (hereafter "Elan"). This Petition is filed on behalf of Elan.

Earlier this year, responsibility for the U.S. priority application on which the PCT application is based and the PCT and other applications stemming therefrom, as well as other patent cases that were acquired by Elan's subsidiary from LDS was transferred from LDS's patent counsel to the firm of the undersigned. Activities which took place during the aforementioned term involved a review of the files of the patent cases transferred by LDS to Elan's subsidiary by present patent counsel and communications between present patent counsel and in-house counsel of Elan and communications between LDS's previous patent counsel and efforts to locate the inventors who are not employed now by either LDS or Elan or Elan's subsidiary. Elan is an Irish company and personnel involved with the aforementioned transferred patent cases are located in Ireland.

An early and favorable decision is requested respectfully.

Respectfully submitted,
Synnestvedt & Lechner LLP



Alexis Barron, Esquire
Registration No. 22,702